

RECEIVED
CENTRAL FAX CENTER

Howard & Howard

JUL 07 2006

law for business

FACSIMILE TRANSMITTAL SHEET

This communication is confidential and intended only for the addressee. Any distribution or duplication of this communication is prohibited. If this facsimile was not intended for you, please telephone us immediately so that we can arrange for its return at our expense.

TO:	FROM:
Examiner Joseph A. Dillon, Jr.	Raymond E. Scott
COMPANY:	DATE:
U.S. Patent & Trademark Office	7/7/06
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571.273-8300	3
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
571.272.1739	(248) 723-0306
CLIENT NUMBER	SENDER'S FAX NUMBER:
60,126-223	(248) 645-1568

RE:
Response to Election/Restriction Requirement
Serial No. 10/728,181

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Attached is our Response to Election/Restriction Requirement regarding the above-referenced patent application.

* PLEASE CONFIRM SAFE DELIVERY OF THIS FACSIMILE *

HOWARD & HOWARD ATTORNEYS, P.C.
THE PINEHURST OFFICE CENTER, SUITE 101
39400 WOODWARD AVENUE
BLOOMFIELD HILLS, MICHIGAN 48304-5151

07-07-06 03:41pm From-Howard & Howard

RECEIVED
CENTRAL FAX CENTER
2486451568

T-258 P.002/003 F-247

Auy. Docket No. 60,126-223

JUL 07 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Martin Bachmann

SERIAL NO.: 10/728,181 Group: 3651

FILED: December 4, 2003 Examiner: Joseph A. Dillon, Jr.

FOR: Method and Device for Transporting Powdery Substances

DOCKET NO.: 60,126-223

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Election/Restriction Requirement mailed June 8, 2006, the Applicant provisionally elects to prosecute claims 27 to 37 drawn to a method of moving powder.

The Applicant respectfully traverses the Restriction Requirement on the following grounds. First, the Examiner mischaracterizes the subject matter of the claims. Claims 19 to 26 are drawn to an "apparatus for moving powder," and not a pump. Claims 27 to 37 are drawn to a method of moving powder. The apparatus as defined in claims 19 to 26 will necessarily perform the method of claims 27 to 37. Therefore, the Applicant respectfully submits that the Restriction Requirement is improper and requests withdrawal of the Restriction Requirement.

Atty. Docket No. 60,126-223

Although it is believed that no fee is due for the filing of this Response, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any additional fees or credit the account for any overpayments regarding this Response.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

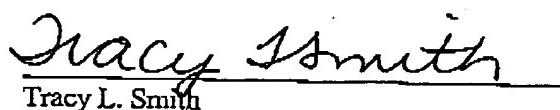


Raymond E. Scott, Reg. No. 22,981
The Pinehurst Office Center, Suite 101
39400 Woodward Avenue
Bloomfield Hills, Michigan 48304-5151
Telephone: (248) 723-0306

Dated: July 7, 2006

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the attached Response to Election/Restrict Requirement is being facsimile transmitted to the Commissioner for Patents and Trademarks, Alexandria, Virginia, to the attention of Examiner Joseph A. Dillon, Jr. from Group: 3651 to facsimile number (571) 273-8300 on July 7, 2006.



Tracy L. Smith